

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

FREDERICK ERNEST GRAHAM,

Plaintiff,

v.

UNITED STATES, et al.,

Defendants.

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No. 4:23-cv-1005 PLC

**MEMORANDUM AND ORDER**

This matter is before the Court upon review of the file. Plaintiff commenced this civil action with a document titled “Permanent Injunction,” complaining about his conditions of confinement. ECF No. 1. However, a civil action must be commenced by filing a complaint on a court-provided form and either paying the filing fee or submitting an application to proceed without prepaying fees and costs. *See* Fed. R. Civ. P. 3; E.D. Mo. L. R. 2.06(A) & 2.01(B)(1). As such, on August 23, 2023, the Court ordered that Plaintiff file an amended complaint on a court-provided form and either pay the full filing fee or file a motion to proceed without prepayment. ECF No. 3. The Court cautioned Plaintiff that his failure to timely comply with the Order would result in the dismissal of this case without further notice. *Id.* at 2.

Plaintiff’s response was due to the Court by September 22, 2023. However, on September 8, 2023, the Court’s Order was returned as undeliverable and a new address could not be verified for Plaintiff. ECF No. 5. Furthermore, on September 22, 2023, another undeliverable letter was returned to the Court; it was a letter regarding Magistrate Judge Consent that was sent to Plaintiff on September 5, 2023. ECF Nos. 4 & 6. But, after searching the Bureau of Prisons directory, the

Clerk was able to find a new address for Plaintiff and the Magistrate Judge Consent letter was resent. ECF No. 6.

On October 13, 2023, the Court issued a Show Cause Order directing Plaintiff to respond by October 23, 2023, as to why this case should not be dismissed under Local Rule 2.06(A) for Plaintiff's failure to notify the Court of his change of address. ECF No. 7. In response, Plaintiff returned the 'Notice Regarding Magistrate Judge Jurisdiction' form that the Court sent him, with a notation that he is currently on suicide watch. ECF No. 8 at 1. That filing provided an address for Plaintiff at the U.S. Penitentiary in Leavenworth, Kansas. *Id.* at 6. The docket sheet has been updated to reflect this mailing address for Plaintiff.

To date, the Court has not received an amended complaint on a court-provided form from Plaintiff. Nor has the Plaintiff paid the full filing fee or filed a motion to proceed without prepayment. However, based on the above review of the docket sheet, it appears that Plaintiff may never have received the Court's August 23, 2023 Order directing him to file these documents. Because Plaintiff is self-represented, the Court will direct the Clerk to resend the court forms to Plaintiff and will give Plaintiff thirty (30) more days to comply.

Accordingly,

**IT IS HEREBY ORDERED** that the Clerk is directed to mail Plaintiff a copy of the Court's 'Prisoner Civil Rights Complaint' form.

**IT IS FURTHER ORDERED** that the Clerk is directed to mail Plaintiff a copy of the Court's 'Application to Proceed in District Court without Prepaying Fees or Costs' form.

**IT IS FURTHER ORDERED** that Plaintiff shall file an amended complaint on the Court-provided form within **thirty (30) days** of the date of this Order. Plaintiff is advised that his amended complaint will take the place of his original document and will be the only pleading

that this Court will review.

**IT IS FURTHER ORDERED** that Plaintiff must either pay the \$402 filing fee or submit an application to proceed without prepaying fees or costs within **thirty (30) days** of the date of this Order.

**IT IS FURTHER ORDERED** that, if Plaintiff chooses to submit an application to proceed without prepaying fees or costs and Plaintiff maintains a prison account, he shall file a certified copy of his prison account statement for the six-month period immediately preceding the filing of the complaint, within **thirty (30) days** of the date of this Order.

**IT IS FINALLY ORDERED** that if Plaintiff fails to comply with this Order, the Court will dismiss this action without prejudice and without further notice.

  
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PATRICIA L. COHEN  
UNITED STATES MAGISTRATE JUDGE

Dated this 1st day of November, 2023